

Attorney's Docket No.:07319-091002

REMARKS

Reconsideration and allowance of the above referenced application is respectfully requested.

Initially, claims 2-21 stand rejected based on judicially-created obviousness-type double patenting. Since a terminal disclaimer will apparently have no effect on patent term, a terminal disclaimer is filed herewith. This should obviate the rejection based on judicially created obviousness type double patenting.

Claims 2-21 stand rejected under 35 USC 103 as allegedly being unpatentable over Cleveland in view of Wharton. This contention, however, remains respectfully traversed. With all due respect, it is respectfully suggested that the rejection does not meet the patent office's burden of providing a prima facie showing of unpatentability.

Claim 2 recites a belt and a redirecting mechanism that holds the belt on the side of the pulley which is closest to the motor. The rejection alleges that Cleveland could be modified according to the teaching of Wharton.

However, there is no incentive in either Cleveland nor Wharton, nor the combination thereof, to make such a combination between these references. Cleveland teaches a specific way of winding his belt. The belt is wound quite simply, in a

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conventional way such that the belt extends directly from the driving element 34 to the driven element. There is no reason why a person having ordinary skill in the art would seek to modify Cleveland's express teaching based on the teaching in Wharton.

Wharton teaches using a double-sided belt, and Wharton teaches that the use of the double-sided belt is to contact a greater percentage of the driven pulley. This is used, for example, in a railroad generator, where it is very important to obtain a high degree of torque from the belt. However, there is absolutely no teaching or suggestion that the belt be redirected to a side of the pulley that is closest to the motor and not adjacent to the heat source. Cleveland teaches absolutely nothing about redirecting the belt away from the heat source. Similarly, Wharton teaches that his system should be used when it is desirable to increase torque. Cleveland expresses no reason to increase the torque. Claim 2, on the other hand, states that the pulley is adjacent to a heat source. Nowhere is there any teaching or suggestion from the hypothetical combination of getting the belt away from the heat source.

Wharton teaches using his techniques when more torque is desired-certainly not something that is taught as being needed in Cleveland. Cleveland does teach a belt near a heat source, but never teaches anything about any problems that could occur

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from the belt coming near that heat source. All in all, there is no incentive in the teaching of the references themselves to make a combination. The rejection states that it would have been obvious to modify Cleveland's teaching in order to achieve more efficient power takeoff without slippage. However, this contention is respectfully traversed and is based on hindsight. The claim defines redirecting the belt away from the heat source, and is not for reducing power takeoff without slippage. In fact, the much more complicated system of Wharton would not appear to be necessary in the Cleveland system. The hypothetical combination, with all due respect, is entirely based on hindsight.

The dependent claims should be allowable for reasons stated above with respect to the respective independent claims.

Claim 11 specifies providing a movable device that is adjacent to a source of heat and maintaining the belt on a side of the moveable device which is distant from the source of the heat. Nowhere is there any teaching or suggestion in Cleveland in view of Wharton to move the belt to a side which is more distant from the source of heat.

Claim 11 should be allowable for reasons discussed above. Specifically, the hypothetical combination of Cleveland in view of Wharton is clearly an improper combination. The combination is provided based on hindsight, not based on the teaching of the

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prior art itself. In fact, nowhere does the prior art teach or suggest using a double-sided belt to keep the belt away from the source of heat, or even anything about keeping the belt away from the source of heat in any form whatsoever.

In addition, even if the hypothetical combination was made, it still would not suggest the subject matter of claim 11. Nothing in Cleveland teaches maintaining the belt away from the source of heat. Wharton simply teaches increasing the torque on start up, and teaches nothing about moving the belt away from the source of heat. Therefore, no fair combination of Cleveland in view of Wharton teaches or suggests the claimed element "maintaining said belt on the side of said movable device which is distant from said source of heat" as claimed.

Therefore, claim 11 should be allowable along with claims 12-16 which depend therefrom.

Claim 17 specifies controlling the movable device using the belt connection and that the controlling comprises "maintaining said belt connection at all times no closer to said light than said movable device". Cleveland teaches exactly the opposite-the belt is closer to the light than the movable device. Wharton teaches nothing about any light whatsoever, and therefore certainly cannot teach maintaining the belt connections at all times no closer to said light than said movable device. Therefore, and with all due respect, claim 17

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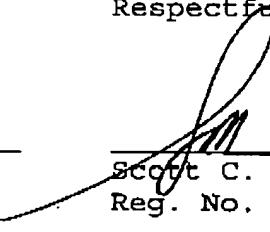
cannot be found from any fair combination of Cleveland in view of Wharton. In addition, as described above, Cleveland in view of Wharton is an improper combination, and would not have been operatively made by one having ordinary skill in the art.

In view of the above amendments and remarks, therefore, all of the claims should be in condition for allowance. A formal notice to that effect is respectfully solicited.

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Respectfully submitted,

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